UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

DEVIN HAMDEN)	
)	
Plaintiff,)	
)	
v.)	Case No. 7:12-cv-00003-JCT
)	
TOTAL CAR FRANCHISING)	
CORP. d/b/a Colors on)	
Parade)	
)	
Defendant.)	

NOTICE OF APPEAL

Total Car Franchising Corporation d/b/a Colors on Parade, by counsel, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, hereby gives notice of its appeal to the United States Court of Appeals for the Fourth Circuit from the Final Order of this Court entered on August 7, 2012.

Respectfully submitted,

WOODS ROGERS PLC

/s/ Thomas M. Winn, III

Thomas M. Winn, III (VSB # 35758) Frank H. Hupfl, III (VSB # 82972)

Wells Fargo Tower, Suite 1400

10 South Jefferson Street

Roanoke, Virginia 24011

Telephone No. (540) 983-7600

Facsimile No. (540) 983-7711

Counsel for Defendant - Appellant

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of September, 2012, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, and that a true and accurate copy of the foregoing was sent via the CM/ECF system to the following participants:

Lauren M. Ellerman, Esq. FRITH & ELLERMAN, PC 303 Washington Ave, SW Roanoke, VA 24016 Telephone: (540) 985-0098 Facsimile: (540) 985-9108

Facsimile: (540) 985-9108 lellerman@frithlawfirm.com

Counsel for Plaintiff - Appellee

/s/ Thomas M. Winn, III